

FILED

MAR 30 2001

PEGGY B. DEANS, CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF N.C.

IN RE:

CHAPTER 7

INTERNATIONAL HERITAGE, INC.,

CASE NO. 98-02675-5-ATS

Debtor,

MOTION FOR AUTHORITY TO COMPROMISE
ADVERSARY PROCEEDING BY DISMISSAL
(S-00-00194-5-AP)

NOW COMES Holmes P. Harden, Trustee, Trustee herein and plaintiff in the adversary proceeding captioned "Holmes P. Harden, Trustee, Plaintiff vs. Carolina Hurricanes Foundation, Inc., Defendant", Adversary Proceeding No. S-00-00194-5-AP filed in this case (the "Adversary Proceeding"), through counsel and pursuant to Bankruptcy Rule 9019, and moves this Court for an order granting it authority to compromise the Adversary Proceeding by dismissal. In support of this Motion, the Trustee shows the Court that:

1. Holmes P. Harden, is the duly appointed Trustee in this case.
2. The \$9,070.00 sought as to the First Cause of Action and the \$9,070.00 sought as to the Second Cause of Action by the Complaint in the Adversary Proceeding represents the sum total of payments which the Trustee alleged to be avoidable and recoverable under Bankruptcy Code §547, §548 and §550 of the Bankruptcy Code.
3. The Defendant is a non-profit, charitable organization and the Trustee does not wish to pursue this action.
4. The Trustee has dismissed the Adversary Proceeding with prejudice, subject to Court approval.
5. The Trustee believes that the proposed dismissal is in the best interests of the estate and its creditors and requests that the Court approve this Motion.

WHEREFORE, the Trustee prays for an order approving and authorizing the dismissal of the Adversary Proceeding.

This the 30 day of March, 2001.

Stephani S. Humrickhouse
Stephani W. Humrickhouse

State Bar #9528
Attorney for Trustee
NICHOLLS & CRAMPTON, P.A.
Post Office Box 18237
Raleigh, North Carolina 27619
Telephone: (919) 781-1311

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing **MOTION FOR AUTHORITY TO COMPROMISE ADVERSARY PROCEEDING BY DISMISSAL** was served this day by placing a copy thereof in a depository under the exclusive care and custody of the United States Postal Service first-class postage prepaid and properly addressed as follows:

Gerald A. Jeutter, Esquire
Kilpatrick Stockton, LLP
3737 Glenwood Avenue, Suite 400
Raleigh, North Carolina 27612

This the 30 day of March, 2001.



Phyllis Hill
Legal Assistant
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